

WALLES  
Serial No. 09/759,645

Atty Dkt: 2380-843  
Art Unit: 2661

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicant basically:

1. Editorially amends the specification.
2. Amend claims 1 – 32, 35 – 37, 40 – 41, 44 – 46, 49, 51 – 54.
3. Add new claims 57 - 61.
4. Respectfully traverse all rejections under 35 USC §112 .
5. Respectfully traverse all prior art rejections.
6. Advise the Examiner of the simultaneous filing of Replacement Drawings.

**B. THE REPLACEMENT DRAWINGS**

Attached as an Appendix are three sheets of replacement drawings for all drawings, i.e., for Figs. 1 – 4. The replacement drawings are merely formalized versions of the original drawings, and are submitted in accordance with enumerated paragraph 1 of the Office Action.

**C. THE CLAIMS COMPLY WITH 35 USC §112**

The present amendments to the claims moot all rejections under 35 USC §112, as well as all claim objects levied in enumerated paragraph 1 of the Office Action.

Applicant submits that the amendments to dependent claims 13 and 14 moot the rejections under 35 USC §112, first paragraph (see enumerated paragraph 4 of the Office Action).

Regarding subparagraph i) of the fifth enumerated paragraph of the Office Action, Applicant has amended the independent claims to refer to total processing capacity for

WALLES  
Serial No. 09/759,645

Atty Dkt: 2380-843  
Art Unit: 2661

*handling the transmitted information.* The amendatory language and support in the specification is believed manifest from the example discussed on page 12 of the specification, from which the person skilled in the art understands that total capacity available for handing the transmitted information is understood, particularly with reference to the calculations described therein.

#### D. THE NEW CLAIMS

New independent claim 57 concerns an echo canceller. Limitations for new independent claim 57 and claims 58 ad 59 dependent thereon are amply supported by the original disclosure, including the original claims.

New independent claim 60 concerns an executable program, such as that supported, e.g., by control or managing program 13 of DSP 9 (see page 10, lines 16+ and the flowchart of Fig. 2).

#### E. PATENTABILITY OF THE CLAIMS

Claims 1-5, 8-12, 14, 17-20, 29-33, 36-40, 42 and 45-48 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,655,120 to Witte et al in view of U.S. Patent 5,628,013 to Anderson et al (see enumerated paragraph 8 of the Office Action). Claims 6, 7, 15, 16, 34, 35, 43 and 44 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,655,120 to Witte et al in view of U.S. Patent 5,628,013 to Anderson et al as applied to claims 1 and 5; 12 and 14; and 29 and 33 above and further in view of the Admitted Prior Art Fig. 1 (see enumerated paragraph 9 of the Office Action). Claims 21, 22, 25-28, 49, 50 and 53-56 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,655,120 to Witte et al in view of U.S. Patent 5,628,013 to Anderson et al as applied to claims 1 and 12 above and further in view of U.S. Patent 5,121,391 to Paneth et al (see enumerated paragraph 10 of the Office

WALLES  
Serial No. 09/759,645

Atty Dkt: 2380-843  
Art Unit: 2661

Action). All prior art rejections are respectfully traversed for at least the following reasons.

Applicant's independent claims essentially relate to curtailing, in a processor system, performance of processes of differing priority and differing subfunctionality, so that only a subset of plural subfunctions of differing subfunctionality are performed. For example, independent claim 1 refers to subfunctions which *differently* influence quality of transmitted information and (in the last clause) requires performance of a subset of the subfunctions. Independent claims 12 and 40 require performance of more subfunctions (the subfunctions having different subfunctionality) for channels of differing priority levels. Independent claims 21 and 49 involve a round-robin scheme of performance of subfunctions (the subfunctions again having different subfunctionality).

U.S. Patent 5,655,120 to Witte et al instead teaches merely a transferring of (same type) jobs (call set up jobs) between processors of a multi-processor system. There is no teaching in U.S. Patent 5,655,120 to Witte et al of, for example, when setting up a call, curtailing or performing only a subset of the VCPUs of a group processor GPI based on load. Witte merely transfers jobs (calls) because of load, he does not tailor a job by invoking differing processes based on load. Moreover, the switch-oriented priority levels discussed in col. 4, lines 1+ of U.S. Patent 5,655,120 to Witte et al pertain only to rejection or acceptance of calls per se.

Regardless of what U.S. Patent 5,628,013 to Anderson et al and the other applied references might or might not teach regarding such matters as determining measure of total processing require, etc., these references are no avail for the extant rejections. None of the applied references of record rehabilitate the deficiency of U.S. Patent 5,655,120 to Witte et al, whether or not properly combineable therewith.

WALLES  
Serial No. 09/759,645

Atty Dkt: 2380-843  
Art Unit: 2661

The foregoing information should be sufficient bases for the Examiner to withdraw the extant prior art rejections and to pass this application to issue.

#### F. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By: H. Warren Burnam, Jr.  
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100